



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

March 22, 2021

In Reply Refer To:

EPA Complaint No. 01R-21-R4

Ms. Darlene Spivey
Mayor
Town of Trenton
P.O. Box 399
Trenton, N.C. 28585

Re: Rejection of Administrative Complaint

Dear Mayor Spivey:

This letter is to notify you that the Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), has completed its review of a complaint, filed against the Town of Trenton (Town) that was initially received by ECRCO on March 3, 2021. The complaint alleges that the Town has discriminated against local residents of unincorporated communities surrounding the Town on the basis of race in violation of Title VI of the Civil Rights Act of 1964. After careful consideration, ECRCO is rejecting this complaint and closing the complaint as of the date of this letter, as ECRCO does not have jurisdiction to investigate.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 Code of Federal Regulation (C.F.R.) § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

ECRCO has reviewed available information and determined that the Town is not an applicant for or recipient of EPA financial assistance. ECRCO therefore lacks jurisdiction to accept this complaint for investigation. Complainant has stated that in addition to EPA, they filed the instant complaint with the U.S. Department of Education. The complaint with EPA also indicates that Complainant has already filed with the Federal Highway Administration within the U.S. Department of Transportation. As such, ECRCO will not refer this complaint to these two agencies, which may have jurisdiction.

In light of the above, we are closing this complaint with ECRCO as of the date of this letter. If you have questions about this letter, please contact Jonathan Stein, by phone at (202) 564-2088, by email at stein.jonathan@epa.gov, or by mail at U.S. EPA External Civil Rights Compliance Office, (Mail Code 2310A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,



Lilian Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Angelia Talbert-Duarte
Associate General Counsel
Civil Rights & Finance Law Office

Carol Monell
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
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